

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ORDER

ORDER APPROVING DISBURSEMENT OF SETTLEMENT

WHEREAS, on June 15, 2011 and July 8, 2011, Counsel for Plaintiffs deposited in the U.S. Mail notice of the proposed settlements to all members of the class herein and caused the aforementioned notice to be published in the *Fernley Leader* and *Reno Gazette-Journal* for three (3) successive weeks;

WHEREAS, said notice set out the terms of the proposed settlement and procedure for distribution of settlement funds and noticed the time and place for class members to appear and object to and comment on said settlement in Court on the 29th day of July, 2011 at 10 a.m.;

WHEREAS, on July 29, 2011, at 10 a.m., the Court considered Plaintiffs' *Motion for Approval of Settlement of Class Action Pursuant to FRCP 23(e) and Distribution of Funds* and the Court inquired as to whether or not there were any other comments and/or objections by people and parties present or who had written to the Court or Parties, and Attorneys and Representatives;

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1 NOW, THEREFORE, the Court being fully advised, makes the following Findings:

2 1) That legal and sufficient notice has been duly and regularly given to the
 3 members of the Class so as to give the members an opportunity to appear and be heard
 4 regarding the proposed settlement and distribution.

5 2) That the class settlement with the Board of Directors of Truckee-Carson
 6 Irrigation District, City of Fernley, and Lyon County in the amount of \$10,150,500.00, is
 7 fair, just, and equitable in light of the basis upon which the Court approved the class in
 8 this matter and should be approved.

9 3) That the distribution formula set forth in the notice, which is based upon
 10 an engineer's analysis of the level of water on and/or in each subject property, is fair,
 11 just, and equitable and in accord with the basis upon which the Court approved the Class
 12 and should be approved by the Court. Specifically, after deducting for attorneys' fees and
 13 costs, settlement proceeds will be distributed to members of the Class according to the
 14 following formula:

15 **Level 1-** No water on Property (generally not eligible to receive settlement
 16 funds);

17 **Level 2-** Water on property but no water in garage/crawl space;

18 **Level 3-** Water in garage and/or crawl space; and

19 **Level 4-** Water in living space.

20 Any claim of level of water intrusion inconsistent with the engineer's analysis will be
 21 submitted to the Court for determination.

22 Additionally, the named Class Representatives in this action will share in the
 23 allocation of the settlement proceeds described above, except that, in addition, the
 24 named Class Representatives will each receive \$1,000.00 payable from the settlement
 25 proceeds as compensation for serving as representatives of the class.

26 4) That in light of the complexity of the case, the very substantial time spent
 27 by the attorneys, and very substantial costs necessarily incurred in connection with the

prosecution of this matter, the Court finds that Plaintiffs' request for attorneys' fees in the amount of \$3,383,333.33, which equals thirty-three and one third (33 1/3) percent of the class settlement, and costs in the amount of \$765,501.80, is reasonable and in accord with those customarily awarded by Courts in such matters and should be approved by the court.

NOW, THEREFORE it is hereby ORDERED that:

- 1) That legal and sufficient notice has been duly and regularly given to the members of the Class so as to give the members an opportunity to appear and be heard regarding the proposed settlement and distribution.
- 2) That the class settlement in the amount of \$10,150,500.00 is fair, just, and equitable and is therefore APPROVED.
- 3) That Plaintiffs' request for attorneys' fees in the amount of \$3,383,333.33 and costs in the amount of \$765,501.80 is reasonable, and is therefore APPROVED.
- 4) That the method for distributing settlement funds is fair, just, and equitable, and is therefore APPROVED. After deducting attorneys' fees and costs, Plaintiffs' counsel is authorized to distribute \$6,001,164.87 to Class Members in accordance with the procedures approved herein

IT IS SO ORDERED

DATED this 1st day of August 2011,



UNITED STATES MAGISTRATE JUDGE